

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK LEONARD BUTZ,

Plaintiff,

Case No. 15-cv-12232

Hon. Matthew F. Leitman

v.

JERRY CLAYTON,

Defendant.

ORDER (1) ADOPTING REPORT AND RECOMMENDATION (ECF #21)
AND (2) GRANTING DEFENDANT’S MOTION TO DISMISS (ECF #9)

On June 19, 2015, Plaintiff Frank Leonard Butz (“Butz”) filed a Complaint against Defendant Jerry Clayton (“Clayton”), the Washtenaw County Sherriff. (*See* ECF #1.) Among other things, Butz alleges that while he was incarcerated at the Washtenaw County Jail, employees at the jail prevented him from taking a court-mandated educational course. (*See id.* at 3, Pg. ID 3.) Butz also claims that the disciplinary system at the Washtenaw County Jail “is ambiguous,” and that some of the internal messages (called “kites”) Butz sent while incarcerated at the jail were never delivered. (*Id.*) On March 3, 2015, Clayton filed a motion to dismiss the Complaint (the “Motion to Dismiss”). (*See* ECF #9.)

On March 7, 2016, the assigned Magistrate Judge issued a report and recommendation (the “R&R”) in which he recommended that the Court grant the

Motion to Dismiss because Butz “has failed to state a claim upon which relief maybe granted.” (ECF #21 at 13, Pg. ID 271.)

At the conclusion of the R&R, the Magistrate Judge instructed the parties that they “may object to and seek review of this Report and Recommendation, but are required to file any objections within 14 days of service.” (*Id.*) The parties were also told that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*)

Butz has not filed any objections to the R&R. As the Magistrate Judge informed the parties, the failure to file an objection to a report and recommendation waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the R&R (ECF #21) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED** that, for the reasons stated in the R&R, the Motion to Dismiss (ECF #9) is **GRANTED**.

Dated: May 2, 2016

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 2, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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